UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,591	01/23/2007	Reto Schneider	296535US2PCT	5612

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
LE, DEBBIE M

ART UNIT	PAPER NUMBER
2168	

NOTIFICATION DATE	DELIVERY MODE
11/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

	Application No.	Applicant(s)
Office Action Summary	10/594,591	SCHNEIDER ET AL.
	Examiner	Art Unit	
	DEBBIE M. LE	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 July 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Amendment

Applicants' remarks and amendments filed on 7/1/09. Claims 25-48 are

pending.

Rejections under 35 U.S.C. § 101 direct to nonstatutory subject matter has been

withdrawn due to Applicant's claimed amendments.

Drawings

The drawing is objected to because they fail to show necessary textual labels of

features or symbols in Fig 1 as described in the specification. For example, placing a

"data sources", with element 3A, 3C, 3D, 3G, 3H, would give the viewer necessary

detail to fully understand this element at a glance. A *descriptive* textual label for *each*

numbered element in this figure would be needed to fully and better understand these

figures without substantial analysis of the detailed specification. Any structural detail

that is of sufficient importance to be described should be shown in the drawing.

Optionally, applicant may wish to include a table next to the present figure to fulfill this

requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements

when appropriate. The elements for which such symbols and labeled representations

are used must be adequately identified in the specification. Known devices should be

illustrated by symbols which have a universally recognized conventional meaning and

are generally accepted in the art. Other symbols which are not universally recognized

may be used, subject to approval by the Office, if they are not likely to be confused with

existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by

the Examiner, where necessary for understanding of the drawing, subject to approval by

the Office. They should contain as few words as possible."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 25-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilson

et al (US Patent 6,670,908 B2).

As per claim 25, Wilson discloses a computer-based risk detection system

comprising:

a server connected to a communication network (Fig. 1);

a network interface, at the server, configure to receive risk information from

geographical distributed computerized data sources located in first geographical areas

via the communication network, the risk information including an identification of a

specific risk, a rating of the specific risk, and information for associating the specific risk

with one of the first geographical areas (Fig. 2, #50, col. 6, lines 35-40 receive

meteorological data from other data sources);

a memory configure to store received risk information, the identification of the

specific risk and the rating of the specific risk being assigned to one of the first

geographical areas (Fig. 2, # 52, col. 6, lines 50-53, the meteorological data is

organized and stored);

a memory configure to store a plurality of correlation factors associated with

geographical areas and/or a plurality of stored data about spreading patterns, wherein

each of said plurality of correlation factors associated with geographical areas and/or

plurality of stored data about spreading patterns correspond to a different one of a

plurality of specific risks including risks associated with technical, ecological, geological,

meteorological, epidemiological, cultural, political and economical systems (Fig. 2, # 54,

col. 6, lines 56-65, col. 7, lines 15-20, col. 8, lines 12-13, 23-26, types of threat

information are combined to create a composite threat field that represent the primary

meteorological threats effecting geographic area of interest);

a processor configured to detect a specific risk emerging in one of the first

geographical areas and spreading to one or more second geographical areas based on

stored risk information including the rating of the specific risk assigned to the one of the

first geographical areas and based on the stored correlation factors and/or data about

spreading patterns (col. 7, lines 15-20, col. 10, lines 5-9, detecting system such as

storm tracking system provides for the identification of cities, and other populated areas

likely to be effected by the threat (s); and

an output configured to provide to an interface output data depending on the

detected emerging risk and the second geographical areas (Fig. 8, col. 6, lines 64-67,

identified as an area of threat and are available for graphical display, for automatic alert

notification through various other mechanism, such as television broadcast).

As per claim 26, Wilson further teaches wherein the interface is part of the risk

detection system, the interface is configured to store the output data provided by the

output, and the interface and the output data stored therein are accessible to devices

external to the risk detection system (col. 7, lines 1-5).

As per claim 27, Wilson further teaches stored area attributes, and wherein the

processor is configured to detect the emerging specific risk based on stored area

attributes associated with the one of the first geographical areas and with the second

geographical areas (col. 8, lines 56-63).

As per claim 28, Wilson further teaches wherein the processor is configured to an expert system configured to detect the emerging specific risk based on stored rules (col. 8, lines 41-54).

As per claim 29, Wilson further teaches comprising a database, wherein the memory storing received risk information is configured to store the received risk information in the database, and the processor is configured to detect the emerging specific risk by periodically extracting risk information stored in the database (col. 7, lines 15-20).

As per claim 30, Wilson further teaches wherein the processor is configured to generate automatically a message to an administrator upon detection of an emerging specific risk (col. 9, lines 25-30).

As per claim 31, Wilson further teaches wherein the risk detection system is configured to relate a detected emerging risk to its relative impact on a technical product, a technical system, and/or an insurance product (col. 1, lines 25-45).

As per claim 32, Wilson further teaches wherein the risk information includes information relating to a relative impact of an identified specific risk on a technical product, a technical system, and/or an insurance product, and the output is configured to include in the output data provided to the interface state information or instructions (Fig. 8, col. 1, lines 25-45, col. 6, lines 65-67).

As per claim 33, Wilson discloses a computer-readable recording medium including computer program code, which when executed by one or more processor of a

computer-based risk detection server causes the server to perform a method for

detecting risks such that:

computer program code means for controlling one or more processors of a

computer-based risk detection system (col. 6, lines 46-51) such that:

the server receives risk information from geographical distributed computerized

data sources located in first geographical areas via a communication network

connected to the server, the risk information including an identification of a specific risk,

a rating of the specific risk, and information for associating the specific risk with one of

the first geographical areas (Figs. 1-2, col. 6, lines 1-10, 35-40 receive meteorological

data from other data sources),

the server stores data about a plurality of spreading patterns and/or a plurality of

correlation factors associated with geographical areas, wherein each of said plurality of

correlation factors associated with geographical areas and/or plurality of stored data

about spreading patterns correspond to a different one of a plurality of specific risks

including risks associated with technical, ecological, geological, meteorological,

epidemiological, cultural, political, and economical systems (Fig. 2, # 52, col. 6, lines 50-

53, the meteorological data is organized and stored),

the server stores data about spreading patterns and/or correlation factors

associated with geographical areas (Fig. 2, # 54, col. 6, lines 56-65, col. 7, lines 15-20,

col. 8, lines 12-13, 23-26, types of threat information are combined to create a

composite threat field that represent the primary meteorological threats effecting

geographic area of interest),

the server detects a specific risk emerging in one of the first geographical areas

and spreading to one or more second geographical areas based on stored risk

information including the rating of the specific risk assigned to the one of the first

geographical areas and based on the stored correlation factors and/or data about

spreading patterns (col. 7, lines 15-20, col. 10, lines 5-9, detecting system such as

storm tracking system provides for the identification of cities, and other populated areas

likely to be effected by the threat (s)), and

the server provides to an interface output data depending on the detected

emerging risk and the second geographical areas (Fig. 8, col. 6, lines 64-67, identified

as an area of threat and are available for graphical display, for automatic alert

notification through various other mechanism, such as television broadcast).

Claims 34-40 have similar limitations as recited in claims 26-32; therefore, they

are rejected under the same subject matter.

As per claim 41, Wilson discloses a computer-based method for detecting risks,

comprising:

transmitting from geographically distributed computerized data sources located in

first geographical areas via a communication network risk information to a server, the

risk information including an identification of a specific risk, a rating of the specific risk,

and information for associating the specific risk with one of the first geographical areas;

receiving on the server the risk information transmitted by the geographical distributed

computerized data sources (Figs. 1-2, col. 6, lines 1-10, 35-40 receive meteorological

data from other data sources);

storing by the server of received risk information, the identification of the specific

risk and the rating of the specific risk being assigned to one of the first geographical

areas (Fig. 2, # 52, col. 6, lines 50-53, the meteorological data is organized and stored);

storing in a memory data about a plurality of spreading patterns and/or

correlation factors associated with geographical areas, wherein each of said plurality of

correlation factors associated with geographical areas and/or plurality of stored data

about spreading patterns correspond to a different one of a plurality of specific risks

including risks associated with technical, ecological, geological, meteorological,

epidemiological, cultural, political, and/or economical systems (Fig. 2, # 54, col. 6, lines

56-65, col. 7, lines 15-20, col. 8, lines 12-13, 23-26, types of threat information are

combined to create a composite threat field that represent the primary meteorological

threats effecting geographic area of interest);

detecting by the server a specific risk emerging in one of the first geographical

areas and spreading to one or more second geographical areas based on stored risk

information including the rating of the specific risk assigned to the one of the first

geographical areas and based on the stored correlation factors and/or data about

spreading patterns (col. 7, lines 15-20, col. 10, lines 5-9, detecting system such as

storm tracking system provides for the identification of cities, and other populated areas

likely to be effected by the threat (s)); and

providing by the server to an interface output data depending on the detected

emerging risk and the second geographical areas (Fig. 8, col. 6, lines 64-67, identified

as an area of threat and are available for graphical display, for automatic alert

notification through various other mechanism, such as television broadcast).

Claims 42-48 have similar limitations as recited in claims 26-32; therefore, they

are rejected under the same subject matter.

Response to Arguments

Applicant's arguments filed 7/1/09 have been fully considered but they are not

persuasive.

Applicants argue that Wilson directs to factors associated with geographical area

is limited to only meteorological data while the claimed invention is directed to a system

that stores a plurality of correlation factors associated with geographical areas and/or a

plurality of "stores data about spreading patterns, wherein each of said plurality of

correlation factors associated with geographical areas and/or plurality of stored data

about spreading patterns correspond to a different one of a plurality of specific risks

including risks associated with technical, ecological, geological, meteorological,

epidemiological, cultural, political and economical systems".

In response, examiner respectfully disagrees. It is noted that the claimed

invention recites the limitation "and/or". As the claim language has provided an option

to choose. Therefore, limitation "and" is omitted and is not required. Consequently,

Wilson does teach the recited claimed limitations.

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571)272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DEBBIE M LE/
Primary Examiner, Art Unit 2168
November 6, 2009